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The Muddle in the Prohibition Amendment.

The Prohibition Amendment, as passed by the House on Monday for submission to the States, contains one section which practically nullifies an express provision of the existing Constitution and either means chaos or portends a radical and disastrous change in the constitutional relations of the States to the Federal Government. This is Section 2 of the amendment proposed by Congress:

"The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation."

As to the distribution of legislative power between the Federal Government and the States the Constitution says in the Tenth Amendment:

"The powers not delegated to the United States by the Constitution, nor prohibited by the States to the States, are reserved to the States respectively, or to the people."

There is no middle ground. A power now possessed by a State may be delegated by the constitutional process to the United States. If not so delegated it is reserved to the State, or to the people. It cannot abide both in the State and in the United States for concurrent exercise. The State Government and the Federal Government cannot conceivably hold it in common or exert it simultaneously.

Yet that is precisely what the proposed amendment prescribes as it now stands. Even if the Tenth Amendment, just quoted, offered no barrier to a combination of the national legislative power and the State's legislative power on the same subject, what would be the practical effect of such an attempt at cooperation?

A law cannot be both a Federal law and a State law. The Federal act may correspond exactly in its provisions and its language with a State law on the same subject, but it is not the same law. The Federal Senate and the Federal House may act concurrently, for they are parts of one legislature. The United States Senate cannot possibly act concurrently with the Assembly at Albany, for instance, or with either or both of the houses of the Legislature of any State.

How, then, is "the concurrent power of the Congress and the several States" to be exercised? By mere similarity of legislation?

But suppose the Congress and the States fail to agree as to the measures for the enforcement of the general prohibition of the manufacture, sale or transportation of intoxicating liquors within the Union.

Any law enacted by Congress must be uniform in its operation in all the States. Suppose one State concurs with legislation exactly similar and another State enacts laws putting a different construction on the words "intoxicating liquors" or providing different measures for enforcement.

In such an event would the failure of the State to act concurrently with Congress invalidate the law of Congress within the borders of that State? Might Congress, for example, define "intoxicating liquors" so as to include malt beverages of low alcoholic potency and to decree their prohibition, and a State Legislature at the same time define the phrase "intoxicating liquors" so as to permit the manufacture, sale and transportation of the mild fluid prohibited by Federal authority at Washington? There would be no concurrent action in that case; would the Federal law fall through, so far as that dissenting State was concerned?

Or, again, as to the police power to enforce prohibition. Might Congress enact measures for enforcement which would be rigid and effective, while a State, or several States, or, indeed, all the States, acting concurrently, adopted provisions so framed as to mitigate the rigors of enforcement and make evasion easy? In such case would the law of Congress or the law of the State prevail within the State's own boundaries?

Hundreds of similar questions arise as we study this unfortunate section which has been incorporated for what clearly conceived purpose we cannot imagine in the text of the

proposed amendment. The more we contemplate its true inwardness, the more plainly appear the inherent possibilities of confusion, of conflict of authority, of divergent standardization, of practical nullification. And the only answer to these questions at all practically satisfactory to ordinary intelligence is to say that in the failure of concurrence between the United States and the States, or any one of the States, the power and the legislative acts of Congress would necessarily prevail.

Then why is concurrent power on the part of the States to enforce prohibition by appropriate legislation specified in the amendment? It is obvious to common sense that there could be no such concurrence, even if the Tenth Amendment to the Constitution, reserving exclusively to the States respectively or the people all powers not fully delegated to the United States, had never been.

When the Thirteenth Amendment was adopted, prohibiting slavery anywhere within the jurisdiction of the United States, the enabling section read as follows:

"2. Congress shall have power to enforce this article by appropriate legislation."

When the Fourteenth Amendment was adopted, conferring citizenship on all persons born or naturalized in the United States, and prohibiting any State from abridging the privileges or immunities of citizens, the enabling section read as follows:

"5. The Congress shall have power to enforce this article by appropriate legislation, the provisions of this article."

When the Fifteenth Amendment was adopted, prohibiting the States from denying or abridging the right to vote on account of race, color or previous condition of servitude, the enabling section read:

"2. The Congress shall have power to enforce this article by appropriate legislation."

Why, then, in submitting an amendment prohibiting the sale, manufacture or transportation of intoxicating liquors in the United States should the framers of the resolution have varied the form of expression and invited all the confusion, innovation and perhaps the nullification of laws for enforcement which must result from this unprecedented section?

"2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation."

Has not the experience of the country with the Fifteenth Amendment illustrated sufficiently the possibilities of evasion and nullification by adverse local sentiment, even when the power of enforcement was lodged in Congress alone? How much worse would have been the violations of the Fifteenth Amendment if an attempt had been made to secure the concurrent action of the Southern States for its enforcement by appropriate legislation?

So well convinced is THE SUN that the time for submitting a national prohibition amendment has come, for the good of the whole country and in order that the restraints of governmental power may be put upon the use of intoxicating drinks, that we greatly regret the blunder in phraseology to which we have been calling attention and hope that the mistake may be corrected before it is too late. It would be a misfortune if the resolution as it passed the House day before yesterday should carry a technical defect so embarrassing to the success of the general proposition submitted.

The power of enforcement should be lodged in the Congress alone. The language of the resolution should be amended in that sense before the amendment goes to the States for ratification.

The Canadian Elections.

In the intensely interesting national political campaign which has just ended in Canada one of the questions asked by the Unionists was, "Does Canada fight or run?" By this was meant would Canada have conscription? It was not a question of enacting a law compelling conscription; for Canada already had such a law; but should she enforce the provisions of this law and by so doing reach her desired contingent of half a million men and thus keep up the flow of recruits to the front.

This was not precisely the issue as the opponents of the Unionists professed to understand it. Under the leadership of the veteran and attractive Laurier they insisted that there would be no abatement of the vigorous prosecution of the war. Laurier had pledged himself to a referendum on conscription. There was, too, discussion of changes which would make the measure more palatable to Quebec and other Liberal strongholds. The delays incident upon such action would seriously interfere with keeping up the proper strength of the Canadian force at the front, the Unionists held, and the suggested modifications would permit opportunities for unfair discrimination.

The personal element and also the purely party distinctions held very little place in the vigorous campaign. The question was fought out upon the broad lines of a world issue, in Western Canada, where the results showed a strong Unionist following. Laurier made a particularly aggressive fight. He is reported to have spoken with his old-time forcefulness and conviction and to have been listened to by large audiences. Quebec went as it was expected that it would go; but Western Canada, where it was believed there was a strong opposition to the draft, dis-

posed amendment. The more we contemplate its true inwardness, the more plainly appear the inherent possibilities of confusion, of conflict of authority, of divergent standardization, of practical nullification. And the only answer to these questions at all practically satisfactory to ordinary intelligence is to say that in the failure of concurrence between the United States and the States, or any one of the States, the power and the legislative acts of Congress would necessarily prevail.

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In Praise of New Rochelle.

To THE EDITOR OF THE SUN:—As a reader of your valued paper for the past twenty years, I am moved to express my appreciation of the delightful article in Sunday's paper of our recently made examination of New Rochelle. Every word you say is in the truth, absolutely, and is the reverse of the picture recently painted and, I feel, somewhat overdrawn.

Previously to the recent upheaval clubs, churches and various organizations were devising ways and means to low the town might be of service to "Uncle Sam's" men, and on the very night of the "raid" a representative body of men and women were gathered together formulating plans as to just how they could be most helpful to "our boys" in the service. Just what they have done they will do again, and more.

Drop around some Sunday evening and see how old Trinity is literally kept in the "Home Fires Burning" in the parish house. A. F. BRADLEY, New York, December 15.

"Give Them Hell, Gentlemen," From the Atlantic Globe.

We have known one of the New Kansas Lieutenants from childhood, and he will direct his men thus: "Now, gentlemen, let us desert from further conversation and charge the line. If you will treat the enemy with great sternness—ah, even with brutality. Gentlemen, will you kindly charge? Ah, give them hell, gentlemen, give them hell!"

The Drought at the National Capital. From Bonfort's Circular.

Since the District of Columbia's "dry" law went into effect, no one can buy a corker in the city of Washington.

Zero in Camp. We're drilling at Camp Umpy-ump with mittens on our toes.

Back purple tinted nose. The cartridges are all congealed in every blasted gun.

But not a kick is coming from the camp. One thought is hugged to every breast. And keeps us good and warm. While mercury freezes in the tube. It is how hot we'll make the Kaiser by and by. MIRA LIVING.

A. MITCHELL PALMER has 300,000 of our men are over there. We do not say that Mr. PALMER's estimate is correct, but as he is a Government official many persons will assume that he speaks by the book. In England such an announcement, if official, would be made by the War Office or in Parliament. If the Administration desires to let the country know the size of our forces in France, why should not the news have come forth in Washington?

The statement of Major-General OTTAV, recently returned from Europe, that "there is war enough over there for everybody," is patently not a violation of the censorship.

While the East irrigates the West, the West seeks to dry up the East.

MR. SHONT'S ADMONITIONS.

They Suggested a Scheme to the Professor of a Much Needed Book.

To THE EDITOR OF THE SUN:—It has been a cherished ambition of mine for a long time to be the author of a "complete Guide to Correct Behavior." My publisher assures me that such a work, if it shall indeed be complete, would fill a long felt want and might have a sale. The vast amount of work involved in the preparation of it has, however, been a powerful deterrent until recently. I realized that if I should begin the task I would never be able to finish it. Now I see a great white light.

For some time past I have been reading Mr. Shont's little epistles to the travelling public. In fact, I have been unable to avoid reading them. And an idea has occurred to me concerning which I would like to ask THE SUN's advice.

Supposing I should make a collection of these epistles and put them out in the form suggested. There would be no question as to its being a complete work. Mr. Shont has left no point uncovered. Neither has he left anything open to doubt. His work has been truly to the point. I should not need to say why I should not need to say myself of it and thus win fame besides profit.

There might be a question of authorship involved, but I would only be following a well established custom. The most successful authors have always been those who signed their own names to them. Shakespeare set the fashion and everybody seems to follow it. Do you think Mr. Shont would object? WOOD B. ARTHUR, New York, December 15.

A LINGUIST VOLUNTEERS.

Creel Can't Use Him: Is There Any Way He Can Serve?

To THE EDITOR OF THE SUN:—It is hard for some people to serve their country? Judge this case.

I know of a clergyman who in the course of his peregrinations and studies has acquired knowledge of German, French, Spanish, Portuguese, Italian, Dutch, Yiddish, Polish, Czech, Slovak, and counting two classical and two Semitic tongues, and who knows a turn or two in the intricacies of the English language used by him in the pulpit. This man has offered his services to Mr. Creel in Washington by means of a recommendation that came to him from a recognized and reputable institution in New York city. There was a formal reply and silence ever since.

That clergyman's quest was not political; he was satisfied to serve at a nominal salary. Three years ago he passed, during a period of restlessness, the Federal Civil Service examination as a member of the French, German, Spanish, Portuguese and Dutch, and was placed eleventh on that list. So there can be no doubt as to his linguistic abilities.

And yet the man's offer was not taken up, though I am sure there must be many departments looking for that kind of man. I am sure that the man is a linguist, and has more than one child dependent upon him.

Is it because he is not a native American, even if he was naturalized eleven years ago, that his patriotism is held in contempt? Or is it because he is not a minister of religion, with frank convictions and intensely patriotic? Perhaps you can answer this puzzle. A. E. D., Newmarket, December 15.

We can only suggest that he enroll with the Public Service Reserve, or with the Department of Labor, Washington, D. C.

The Honorable Derivation of Delicatessen.

To THE EDITOR OF THE SUN:—It will be a Page waste to purge the English language of German atrocities let him leave the word "delicatessen" alone, but let him leave the word "delicatessen" alone.

Delicatessen is a beautiful French word, Germanized by the plural suffix "s." It is a funny coincidence that the last two syllables of the word mean "killing" in German, thus causing the quaint but mistaken translation of your correspondent. New York, December 15.

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To THE EDITOR OF THE SUN:—Can any of your readers tell me where the phrase "When Hector was a pup" originated and what its true meaning is? HORROR, New York, December 15.

Shark Hooks for the Government.

From the Marine News. The Government is going in for shark fishing, but not as a sport, however. It is going after this aquatic monster that the skins of the sharks are tanned and used as a substitute for leather.

The experiment is now under way, and the man who has given Uncle Sam a leg over the fence, as it were, is J. W. Ford, a fisherman from a village whose name is Smith's Cove, for in that little smithy 10,000 shark hooks were made in three days for the United States Government.

Unfair Advantages of Brew Rabbit.

From the Leonardtown Beacon. Captain Tommie Hill of Mattapamuck is the champion rabbit catcher of this section. Captain Tom cut a hole in his well curd and hangs an onion out of reach. When a rabbit goes for the bait it falls into the well. All Captain Tom has to do is to dash him out and consequently have rabbit for breakfast.

A Cupful.

If thirteen States hold out for Rum The nation's drought will never come.

RELEASE THE CHAUFFEURS.

Those Who Operate Purely Pleasure Cars Can Be Better Employed.

To THE EDITOR OF THE SUN:—It seems too bad when the Government is so sorely in need of men to repair and take charge of airplanes and war motors that large numbers of chauffeurs who could almost qualify as expert mechanics on motors should waste their time running machines that serve no useful purpose whatever; automobiles that are practically toys, mere playthings to amuse their owners.

The number of automobiles in use in this country runs into the millions, and I believe I can safely say that several hundred thousand chauffeurs-mechanics are engaged by private persons to take care of these machines, men the Government could make far better use of.

To go still further, why would it not be a good move absolutely to prohibit the use and manufacture of all automobiles for pleasure riding purposes during the period of the war? Think of the saving of rubber, metal, gasoline, mechanical labor, etc. One automobile concern alone, I understand, contemplates turning out one million pleasure cars within the next year. Is not this a reckless waste of labor and material during a time when the war in which economy is a vital factor?

That comfortable feeling that seems to prevail throughout America (except perhaps in military circles), that victory for the Allies is a thing of certainty, is responsible for much of the pleasure riding, as well as the driving of the car, as well as the making proper sacrifices; but let me say that this blind optimism is born of ignorance of the desperate fanatic determination of the German people, who are willingly laying down their lives from perverted patriotism, while in this country many are not even slightly inconvenienced themselves for the cause.

When the Government has to resort to moving picture advertising, as it is doing in its efforts to get chauffeurs-mechanics, it seems to me the situation is rather serious. PATRIOT, New York, December 17.

BUT FOR WHAT AND WHEN?

Nothing Else Is Lacking in This Great Political Movement.

To THE EDITOR OF THE SUN:—The recent city election has convinced many of the independent voters of our city that we must get together to see if we can give some good man a club to force his nomination upon one or the other of the parties; and we want a man without a boss. And we wish to request every reader of THE SUN to write the undersigned so that we can begin work at once on this project.

The first choice of one of the boys is the Hon. William G. McAdoo, but there are others. Trusting that you will help us to come together and that every reader of THE SUN that may wish to help in the good work will write, etc. D. M. MARX, 562 West 144th St., New York, December 15.

HE HAS LEARNED TO OBEY.

A National Army Man Recognizes the Virtue of Discipline.

To THE EDITOR OF THE SUN:—Here is an extract from a letter from a soldier in the National Army now stationed at Fort Monmouth, New Jersey, who has been in the service for a month in the environment in which he now moves will do for a boy who has always done as he pleased:

"I have done everything from shoveling coal to saluting officers, and if I diver get out of the army it will make a difference to me. My whole idea of life has changed, and for the first time I know what it means to do what I am told, and that absolutely no excuse will do." J. K. M., New York, December 15.

A Mistake in the Knitting Directions for Helms!

To THE EDITOR OF THE SUN:—I beg to call your attention to a mistake in the Red Cross knitting directions as published in the issue of December 10, 1917, and which bear on the knitting of helmets or visors, No. 1 and No. 2.

An English friend of mine, and an experienced knitter, after following the printed directions, made a helmet found out on trying it on that the hole for the face came around on the side of the ear, and if one desires to have the hole cover the face, the two trapping flaps for front and back of the throat, would be on the shoulders.

It is a pity that the Union Hill headquarters at Union Hill, N. J., was said that fifty or seventy-five of the garments had been made up in the same manner.

With the needs of our sailors at the present time what they are, this mistake seems almost a calamity. Being very much interested in Red Cross work I take the liberty of calling your attention to the matter so that such future mistakes may be minimized. F. H. THORNTON, WHEELING, N. J., December 15.

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SHRINKING RUSSIA.

After Three Hundred Years She Is as the First Romanoff Made Her.

To THE EDITOR OF THE SUN:—It is significant that the Romanoff dynasty passed from Russia, as it came to Russia, in a "time of troubles." And it was these troubles that forced Michael, the first Romanoff Caesar, to make a disastrous peace by signing his western borderlands to the Kings of Poland and Sweden, just 300 years ago.

Russia was cut off from the Baltic Sea by losing the country about Petrograd to the King of Sweden, while the Swedish King's cousin, the King of Poland, gained Silesian city and came within striking distance of Moscow.

It is curious that the loss of Poland and the establishment of provisional governments in Finland and Livonia should have restricted the Russian republic pretty nearly to the western limits of Russia in these days of the American Filigrin Father. Let us hope that the Russian republic will keep Petrograd, Russia's "window on the Baltic Sea," which seems in danger of becoming "Wilhelmshafen" if civil war continues. NICHOLAI EDUARDOVICH, New York, December 15.

DR. STILL'S APPEARANCE.

At 80 He Did Not Look Like Lincoln or Dress Oddly.

To THE EDITOR OF THE SUN:—Dr. Still neither looked like Lincoln nor wore his trousers in his boots. I fear that the alleged description of the doctor's appearance and idiosyncrasies is simply another piece of the story of misinformation in the East relating to Western men which is not uncommon.

While living in Tokyo a few years ago I saw Dr. Still frequently during a reunion of the members of the first Kansas Legislature. He was then about 80 years of age. Certainly he did not look like Lincoln. He was several inches shorter than Lincoln. I never heard any such resemblance referred to.

There were no noticeable peculiarities in his dress or manner. He was well groomed, quiet, modest. That he wore his trousers less in his boots half a century ago, as is so often stated, is not in the East and the West, is not unlikely. That Dr. Still was a man of ability and of the highest character cannot be doubted. REV. E. W. RANKIN, New York, December 17.

THE GREAT SHIP.

The Leviathan, Once the Vastland, Causes a Dispute.

To THE EDITOR OF THE SUN:—Our authorities have interned a German liner called the Veder or something similar. Will you tell me how many people she will hold and what is the capacity as far as people are concerned of the largest ship known to man?

I was talking with a very prominent man and he insisted that he read somewhere that a certain ship, the Veder, a German interned vessel, could accommodate 20,000 people. I told him it must be 2,000. Impossible to top 2,000 on a vessel I know of now. What do you say? HARRY S. METCALF, ELIZABETHTOWN, December 15.

THE COAL FAMINE.

Shortage in the Homes; Heat in the Places of Luxury.

To THE EDITOR OF THE SUN:—A great deal of that saving grace known as "horse sense" is being dissipated in the question of heat conservation.

Instead of closing schools, curtailing transportation, suggesting that people use their own power for heating, or that they use the coal necessary for the electric lights.

The homes where old people, children and sickness abide should be the last to feel the pinch of coal poverty. New York, December 15. M. H. A.

Not in the Curriculum.

To THE EDITOR OF THE SUN:—There is much discussion as to the coal famine now existing throughout the United States. In all the discussion I fail to find the fault properly placed, as I conceive it. It seems to me that we had a practical case of discussing the merits of a new dish, approving or criticizing, according to his own judgment. He was willing to listen to an argument raised by the critics on his own cooking. Sometimes he would cook a dish in front of all the cooking wizards, accepting with a good grace the suggestions of the critics. He would not have been a good sense of humor. On one occasion, while he was busy cooking a tenderloin steak, with raisins, Madeira wine and currant jelly, he overheard some remarks coming from a group of cooks who were